

For Board approval

Draft

July 14, 2005

BY FEDERAL EXPRESS

Derrick Golden
EPA Remedial Project Manager
US Environmental Protection Agency
Region I, HBO
1 Congress Street
Boston, Massachusetts 02114-2023

RE: Request for Extension of the Public Comment Period
EPA Proposed Plan for W.R. Grace Superfund Site
Acton and Concord, MA

Dear Mr. Golden:

On behalf of the Board of Selectmen of the Town of Acton, joined by the Acton Water District and the Acton Citizens for Environmental Safety, I am writing to respectfully request that EPA extend by 60 days the public comment period on the EPA Proposed Plan for the W.R. Grace Superfund Site dated July 2005. The extension would move the deadline for public comments from August 9, 2005, to and including October 7, 2005. The grounds for this request are the following:

1. EPA's Proposed Plan was released to the Town, the Water District and ACES on July 6, 2005.
2. EPA intends to conduct a public information session on the Proposed Plan on July 19, 2005, and a public hearing on the proposed plan on August 4, 2005.
3. EPA proposes to close the public comment period on the Proposed Plan on August 9, 2005, less than a week after the public hearing.
4. Thus, Town officials, the Acton Water District, ACES and interested members of the public will have less than one month to comment on EPA's Proposed Plan from the moment of its release to the close of the public comment period.

5. This time frame is prejudicially short given that the documents on which EPA purports to base its Proposed Plan consist of five two-inch thick technical volumes prepared by Grace's consultants covering a myriad of significant issues concerning the Grace Superfund Site. It is simply not fair, given the extent of this technical information, to expect that the Town, the Acton Water District, ACES and interested members of the public can submit all of their comments on this Proposed Plan and the underlying supporting documents in less than a month, particularly given the summer vacation schedules of public officials, Town Boards, the Town's environmental expert, and members of the public.
6. EPA and Grace have apparently exchanged numerous comments and redlines on drafts of the underlying documents leading up to EPA's Proposed Plan. The Town has sent a Freedom of Information Act Request to EPA for these public documents. Grace has supported the Town's request for the release of this information. Yet EPA has made no response to date to that request. The Town and the public are entitled to review that information, and they should be provided sufficient time to do so before the close of the public comment period.
7. EPA has apparently had in its possession for months the internal agency draft of the ATSDR public health study on the Grace Site, yet EPA has apparently not provided comments to ATSDR that would permit the finalization of that document and its release to the public. The Town and the public are entitled to receive and review the ATSDR study, and they should be provided sufficient time to do so before the close of the public comment period.
8. EPA apparently tried to mail the Proposed Plan to Acton residents in advance of the public hearing. However, some Acton residents have received a mailing from EPA about a Woburn Superfund Site, rather than the W.R. Grace Site in Acton. As of July 13, 2005, these residents had not received the EPA mailing on the W.R. Grace Site in Acton. The confusion created by EPA's Woburn mailing and the delay in the Acton mailing is further justification for an extension of the public comment period.
9. More fundamentally, EPA's Proposed Plan deals with a wide variety of issues, from Sediment Cleanup Alternatives for Sinking Pond and the North Lagoon Wetlands to Groundwater Cleanup Alternatives for six different areas of the site (the former lagoon area, the southwest area, the Assabet River area, the southwest landfill area, the southeast landfill area, and the northeast area). For the first time in the 25 year history of federal involvement with this site, EPA has endorsed an alternative involving no active remediation for a significant plume of contamination – including carcinogenic contaminants - which, EPA acknowledges, is contaminating and will for at least two and a half more decades continue to contaminate public drinking water supply wells in the Town of Acton. This remarkable reversal of EPA's approach to environmental "protection" in the Town of Acton frankly requires more than a month to digest and comment upon.

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For the foregoing reasons, the Board of Selectmen of the Town of Acton, the Acton Water District and the Acton Citizens for Environmental Safety jointly request a 60 day extension of the public comment period. Because of the significance of this issue, we are copying this request to the Town's federal and state congressional delegations.

Thank you for your consideration.

Sincerely,

Don P. Johnson
Town Manager

Assented to:

James Deming, Acton Water District

Mary Michelman, ACES

cc: Senator Edward M. Kennedy
Senator John F. Kerry
Senator Pamela Resor
[Congressional Delegation to be added]
Board of Selectmen, Town of Acton
Board of Water Commissioners, Acton Water District
Andrew Cohen, DEP
James Deming, Acton Water District
Lydia Duff, Grace
Doug Halley, Town of Acton
Seth Jaffe, Foley Hoag
Maryellen Johns, Remedium
Michael LeBlanc, DEP
Mary Michelman, ACES
Michael Moore, Town of Concord Board of Health
Chuck Myette, Brown & Caldwell
Mitch Obradovic, Remedium
Art Taddeo, ENSR
Barbara Weir, Metcalf & Eddy

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James Okun, OTO
Acton Public Library